

MAR 11 2009

ROBERT H. FENNEL, CLERK
BY *[Signature]*
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:07 CV 20102

VS. : JUDGE MINALDI

NATHANIEL SINGLETON : MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

IT IS ORDERED that the defendant's Motion for Payment of Transcript [doc. 62] IS DENIED.

28 U.S.C.A. § 753(f) states that:

(f) Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal. *Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question).* The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States. (Emphasis added).

The defendant asserts that he is entitled to a free transcript at Government expense for his appeal, but he does not provide the court with the information necessary to determine that this appeal

will not be frivolous and presents a substantial question pursuant to 28 U.S.C.A. § 753(f).

Lake Charles, Louisiana, this 10 day of March, 2009.

A handwritten signature in black ink, appearing to read 'P. Minaldi', is written over a horizontal line. The signature is enclosed within a large, loopy oval shape.

PATRICIA MINALDI

UNITED STATES DISTRICT JUDGE